

**REMARKS**

Reconsideration of the patentability of the claims of the above referenced patent application is solicited in view of the following comments. The specification has been amended to correct some minor inadvertent errors that occurred therein. The amendments to the specification do not introduce any prohibited new matter.

The comments made by the examiner regarding the specification have been considered and appropriate amendment proffered herein. Entry of these amendments and withdrawal of the objection set forth in paragraph 1 of the outstanding action are solicited.

In the outstanding action, the examiner has rejected the patentability of claims 1, 2, 9, 10 and 17 as being anticipated by the disclosure of the cited Martin et al. '633 patent.

In Martin cited by the Examiner, the interstage divider (144) divides the output signal from the VCO (142) to feed the frequency-divided signal to the mixer (132), and the mixer (132) mixes the frequency-divided signal with the output signal from a second VCO (126), which is clearly different from the initial VCO (142).

Similarly, the interstage divider (128) divides the output signal from the later VCO (126) to feed the frequency-divided signal to another mixer (110), which is clearly different from the initial mixer (132), and the mixer (110) mixes the frequency-divided signal with the output signal from still another VCO (106), which is clearly different from the second VCO (126).

In contrast, in claims 1, 9, and 17, a frequency division unit (5) (see in Fig. 3) divides the frequency of the signal outputted from the voltage control oscillator (1A) so as to output a second frequency-divided signal. A mixer unit (6) mixes the second frequency-divided signal outputted from the frequency division unit (5) with the signal outputted from the same voltage control oscillator (1A) so as to output a mixed signal.

That is, the function of the mixer unit (6) is clearly distinguishable from the function of each of the mixer (110) and the mixer (132).

Moreover, each of claims 1, 9, and 17 describes a system that needs no additional voltage control oscillator and no additional mixer. In addition, in each of claims 1, 9, and 17, the voltage control oscillator (1A), the frequency division unit (5) and the mixer unit (6) are configured so that the signal outputted from the voltage control oscillator (1A) is supplied to both of the frequency division unit (5) and the mixer unit (6).

Thus, the systems defined by each of claims 1, 9, and 17 are not disclosed or suggested at all in the Martin et al. reference, wherefore claims 1, 9, and 17 are clearly patentably distinguished over the disclosure of the Martin et al. reference. It is urged that the rejection of the patentability of these claims for failing to comply with the requirements of 35 USC 102 be reconsidered and withdrawn.

In the outstanding action, the patentability of claims 3, 8, 11 and 16 has been rejected as being directed to subject matter that would have been obvious to a person of ordinary skill in this art based on a combination of the disclosures of the Martin et al. and the Jokura '761 patents. This rejection is respectfully traversed. These rejected claims are all dependent from the claims of this application that were rejected on an anticipation basis. However, the Jokura reference does not disclose the elements that are missing from the Martin et al. reference. Therefore, the combination of the disclosures of the Martin and Jokura references do not raise a *prima facie* case of obviousness of even independent claims 1 and 10, let alone the instant dependent claims. This rejection should be reconsidered and withdrawn.

In the outstanding action, the examiner has rejected the patentability of claims 4 and 12 as being directed to subject matter that would have been obvious to a person of ordinary skill in this art from a consideration of the combined disclosures of the cited Martin et al. and Lemay references. This rejection is respectfully traversed.

Claims 4 and 12 are dependent claims. The disclosure of the Lemay reference does not make up for the deficiencies in the disclosure of the Martin et al. reference such as to support an obviousness based rejection of even only the independent claims. Therefore the combined disclosures of the Martin et al. and the Lemay references cannot raise a *prima facie* case of obviousness with respect to claims that are dependent from these independent claims 1 and 9.

In the outstanding action, the examiner has rejected the patentability of claims 5 and 16 as being directed to subject matter that would have been obvious to a person of ordinary skill in this art from a consideration of the combined disclosures of the cited Martin et al. and Tsukahara et al. references. This rejection is respectfully traversed.

Here too, it is pointed out that the disclosure of the Tsukahara et al. reference does not make up for the deficiencies of the disclosure of the Martin et al. reference with respect to the patentability of claims 1 and 9. Therefore, the combination of the disclosures of these two references cannot raise a case of *prima facie* obviousness as to these independent claims. If the combined references do not raise such a case of *prima facie* obviousness with respect to the independent claims, they cannot support a rejection of dependent claims on an obviousness or any other basis.

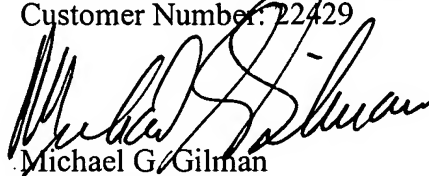
The rejections instituted by the examiner in paragraphs 8 and 9 of the outstanding action have been considered. Here too, the combined disclosures of either pair of references does not raise a case of *prima facie* obviousness and so these rejections should also be withdrawn.

Thus all claims of this application are in condition for allowance, and such action is solicited. The below set forth customer number should be used to identify the correct address of the instant attorneys and for any other matter about which the customer number provides information.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**

Customer Number: 22429

A handwritten signature in black ink, appearing to read "Michael G. Gilman", is written over the printed name.

Michael G. Gilman

Registration No. 19,114

1700 Diagonal Road,  
Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: June 30, 2004  
MGG